

ORIGINAL
COPY

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

Form To Be Used By A Prisoner in Filing a Complaint
Under the Civil Rights Act, 42 U.S.C. § 1983

#1372192

KENDALL L. MURPHY
Plaintiff's name and ID Number

MICHAEL UNIT
Place of Confinement

CASE NO:

6:14cv730
(Clerk will assign the number)
JDL

v.

CHRISTOPHER A. HOLMAN CPT.
Defendant's name and address

JODY C. HEFNER, MAJOR
Defendant's name and address

Defendant's name and address
(DO NOT USE "ET AL.")

INSTRUCTIONS - READ CAREFULLY

NOTICE:

Your complaint is subject to dismissal unless it conforms to these instructions and this form.

1. To start an action you must file an original and one copy of your complaint with the court. You should keep a copy of the complaint for your own records.
2. Your complaint must be legibly handwritten in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, DO NOT USE THE REVERSE SIDE OR BACK SIDE OF ANY PAGE. ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.
3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure. Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.
4. When these forms are completed, mail the original and one copy to the Clerk of the United States Court for the appropriate District of Texas in the Division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. The list labeled as "VENUE LIST" is posted in your unit law library. It is a list of Texas prison units indicating the appropriate District Court, the Division and an address of the Divisional Clerks.

FILING FEE AND IN FORMA PAUPERIS

1. In order for your complaint to be filed, it must be accompanied by the filing fee of \$350.00.
2. If you do not have the necessary funds to pay the filing fee in full at this time, you may request permission to proceed *in forma pauperis*. In this event you must complete the application to proceed *in forma pauperis* (IFP), setting forth the information to establish your inability to prepay the fees and costs or give security therefore. You must also include a six (6) month history of your Inmate Trust Account. You can acquire the application to proceed IFP and appropriate Inmate Account Certificate from the law library at your prison unit.
3. 28 U.S.C. 1915, as amended by the Prison Litigation Reform Act of 1995 (PLRA), provides, "...if a prisoner brings a civil action or files and appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." Thus, the Court is required to assess and, when funds exist, collect, the entire filing fee or an initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the Court will apply 28 U.S.C. 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from your Inmate Account, until the entire \$350 filing fee has been paid.
4. If you intend to seek *in forma pauperis* status, then do not send your complaint without an Application to Proceed IFP, and the Certificate of Inmate Trust Account. Complete all the essential paperwork before submitting it to the Court.

CHANGE OF ADDRESS

It is your responsibility to inform the Court of any change of address and its effective date. Such notice should be marked "NOTICE TO THE COURT OF CHANGE OF ADDRESS" and shall not include any motions(s) for any other relief. Failure to file a NOTICE TO THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedures.

I. PREVIOUS LAWSUITS:

- A. Have you filed any other lawsuits in the state or federal court relating to imprisonment? X YES NO
- B. If your answer to "A" is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)
 1. Approximate date of filing lawsuit: SEPT. 28, 2010
 2. Parties to previous lawsuit:
 Plaintiff(s): KENDALL L. MURPHY
 Defendant(s): BARRY ANDREWS & SHERMAN COOPER
 3. Court (If federal, name the district; if state, name the county) EASTERN DISTRICT, TEXAS
 4. Docket Number: 6:10-cv-508
 5. Name of judge to whom case was assigned: JOHN D. LOVE & MICHAEL SCHNEIDER
 6. Disposition: (Was the case dismissed, appealed, still pending?)
DISMISSED AT TRIAL BUT NOW ON APPEAL WITH 5TH CIRCUIT
 7. Approximate date of disposition: MARCH 13, 2013

FACTS AND ARGUMENTS

Prison officials violated my 14th Amendment right to due process when they failed to challenge the factual sufficiency of the evidence by weighing all the evidence in the record. see *Cain v. Bain*, 709 S.W. 2d 175, 176 (Tex. 1986) Go to Tex R. App. P. 81 (b) (1). *Boothe v. Havslar*, 706 S.W. 2d 788 (Tex. 1989); 622, 705 S.W. 2d at 396. When failing to view the disciplinary report, records, and evidence as a whole of offender Murphy and Franklin # 1030538. 1). It disclose that Franklin plead guilty and was found guilty of the weapon and drug possession 2). The evidence supporting Franklins guilty finding was prison official statements who conducted the cell search, C.O. SGT. Campbell and C.O. J. Hart including CPT. Statham, SGT. Campbell and C.O. Hart gave statements and testimony during the court hearing that the weapon was found in the (bottom bunk) window seal where Franklin was assigned as well as the drugs which were also found in the (bottom bunks) property again where Franklin was assigned. Possession is (Nine, Tenths) of the law and when viewing the disciplinary records, reports, and evidence of Murphy and Franklin the records reflect and proves Franklin owned and had full possession of the weapon and drugs, please review notification of offense held by substitute counsel R. Brock 6-12-14. Also view disciplinary report and hearing record held by Ms. Whitfield for Brock on 6-17-14 UNIT MI Folder A FILE 171 DSF- file 244957 on behalf of Murphy's finding and plea and punishment 3). Prison officials Violated my 14th Amendment right by depriving me of my liberty and equal protection of the law which protects me of these violations by prison officials abusing thier discretion by wrongfully finding me guilty, punishing and sentencing me to the highest punishment of Ad seg a term of confinement when overwelming evidence supports my innocence and not guilty plea. Now let me remind the court that I was also charged with the drugs found in Franklins property but later acquitted during court proceedings.

Key v. McKenny Constitutional law Key 272 (2)

see: Sandin v. Conner, 515 U.S. 472, 484 115 S.Ct. 2293, 132 L.ed 2d 418 (1995). SEE: Giano v. Selsky Const. law Key 255 (1)

The infractions in this disciplinary offense also has a lot to do with the superior officer's who played a part, conducted, and made the decisions in this case which one of them was CPT. Holman, (Motive) the disciplinary CPT. who held the court hearing, now mind you this is a officer I had a physical altercation with in Oct. of 09" and I was charged ~~and~~ convicted for staff assault and placed in Ad seg when honestly CPT. Holman who was LT. at the time visiously assaulted me but during the mist of me defending myself the tables turned so it's evident why CPT. Holman abused his discretion in overlooking the facts and evidence in determining his findings, decision, and denying me a fair and impartial hearing see: Wolff v. McDonnell, 418 U.S. 539 (1974). see Key v. McKenny, 176 F.3d 1083 (8th cir 1999), also Giano v. selsky, 238 F.3d 223 (2d cir. 2001). and colon v. Howard, 215 F.3d 227 (2nd cir. 2000). liberty interest prevail in this case because I'm being held to the maximum term of confinement for a weapons offense that offender Franklin has plead guilty to and was found guilty day prior to my court hearing and wrongful conviction which has violated my 14th Amendment right depriving me of my liberty and due process of the law. The same violation of my 14th Amendment and the infractions in this offense pertaining to Major Hefner aswell who made the final decision in my Ad seg placement in fact let me bring to the courts attention (Motive) me and Major Hefner engaged in a verbal dispute sometime in 2011 while I was in Ad seg, this dispute came about during Life Indangerment interview pertaining to me being denied food, showers, and rec during this interview he brought up my history of disciplinary code 20's for masterbating and then called me a sexual predator and a monkey so my response to this insult was that I rather masterbate than participate in homosexual activities and be a undercover homosexual like you, which led to me being jacked up and handled real violent and rough by him and the escorting C.O.'s, every sense I've been his prime target which led to his spiteful and hateful

decision without viewing all of the factual sufficiency of the evidence which is held in the disciplinary report and hearing records before depriving me of my liberty and due process. In this case plaintiff respectfully request in this 1983 action that this weapon charge be dismissed and the decision of my Ad seg confinement be reversed in my favor, I'm also respectfully requesting injuction relief, followed by nominal damages that would compensate for the expenses of the \$350.00 filing fee that I've been forced to charge to my trust fund account.

CLOSING ARGUMENTS

Disciplinary officer CPT. Holman intentionally abused his discretion by ignoring my not guilty plea and overlooking the fact that offender Franklin had plead guilty and was found guilty for the weapon and drug offense but out of spite CPT. Holman brought me before court days after Franklin's plea of ~~guilty~~ guilty his conviction, and Ad seg confinement and also found me guilty of the exact (same) weapons offense which liberty interest prevail due to Holmans unfair and unimpartial decision making during my court hearing. Liberty interest prevail in part of Major Hefner aswell because during my visit with him prior to my Ad seg placement I excused myself to explain the error and the official statements and testimony evidence supporting my innocence and not guilty plea pertaining to Franklin's guilty plea but Major Hefner intentionally failed ~~to~~ to challenge the factual sufficiency of the evidence in the records before sentencing me to a maximum term of confinement by placing me in Ad seg, which both superior officers Hefner and Holman violated my 14th Amendment right to due process of the law and depriving me of my liberty and equal protection of the law that protects me from these violations. The plaintiff also argue the double jeopardy clause.

V. STATEMENT OF CLAIM:

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal argument or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember that the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

on 6-11-14 at 1:00 AM on B-K-31 a cell search was conducted by Sgt. Campbell and c.o. J. Hart and during this cell search a weapon was found in the (bottom bunk) window seal and drugs were found in bottom bunks property where offender Franklin was assigned but me Kendall Murphy was assigned (top bunk) which the weapon more drugs was found in my personal space, property, nor belongings in fact I had no knowledge of this contraband but still I was charged and convicted for the (same) weapon offender Franklin ^{#1830538} plead guilty to but I was acquitted for the drugs offense later during court hearing. Now Top and bottom bunks has separate window seals.

VI. RELIEF: State briefly exactly what you want the court to do for you. Make no legal arguments. Cite not cases or statutes.

I respectfully request this weapons charge be dismissed and Ad seg decision be reversed and the \$350.00 be replaced for filing.

VII. GENERAL BACKGROUND INFORMATION:

A. State, in complete form, all names you have ever used or been known by including any and all aliases:

KENDALL L. MURPHY AKA TRUBLE

B. List all TDCJ-ID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you, if know to you.

1372192 only

VIII. SANCTIONS:

A. Have you been sanctioned by any court as a result of any lawsuit you have filed? YES ☒ NO

B. If your answer is "yes", give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (If federal, give district and division): _____
2. Case Number: _____
3. Approximate date sanctions were imposed: _____
4. Have the sanctions been lifted or otherwise satisfied? YES NO

- C. Has any court ever warned or notified you that sanctions could be imposed? ☒ YES ☒ NO
- D. If your answer is "yes", give the following information for every lawsuit in which warning was imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed warning (if federal, give the district and division): _____
2. Case number: _____
3. Approximate date warning were imposed: _____

Executed on: 8-20-14
(Date)

KENDALL L. MURPHY
(Printed Name)

Kendall L. Murphy
(Signature of Plaintiff)

PLAINTIFF'S DECLARATIONS

1. I declare under penalty of perjury all facts presented in this complaint and attachment thereto are true and correct.
2. I understand if I am released or transferred, it is my responsibility to keep the Court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand that I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions in a Court of the United States while incarcerated or detained in any facility, which lawsuits are dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger or serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire \$350 filing fee and costs assessed by the Court, which shall be deducted in accordance with the law from the inmate account by my custodian until the filing fee is paid.

Signed this 20th day of AUGUST, 2014.
(Day) (Month) (Year)

KENDALL L. MURPHY
(Printed Name)

Kendall L. Murphy
(Signature of Plaintiff)

WARNING: The Plaintiff is hereby advised any false or deliberately misleading information provided in response to the following questions will result in the imposition of sanctions. The sanctions the Court may impose include, but are not limited to monetary sanctions and/or the dismissal of this action with prejudice.

TDCJ DISCIPLINARY REPORT AND HEARING RECORD

CASE: 20140293266 TDCJNO: 01372192 NAME: MURPHY, KENDELL LASHAWN EA: 4.3
 UNIT: MI HENG: ~~AKA~~ 31 T 13150 JOB: O/S MEDICAL SQ 05 IO: 075
 CLSS: L3 CUST: 05 PRIMARY LANGUAGE: ENGLISH MMR RESTRICTIONS: NONE
 GRDE: MA / TF OFF. DATE: 06/11/14 01:00 AM LOCATION: MI 8 BUILDING
 TYPE: ID

OFFENSE DESCRIPTION

ON THE DATE AND TIME LISTED ABOVE, AND AT MI 8K 31 T, OFFENDER: MURPHY, KENDELL LASHAWN, TDCJ-ID NO. 01372192, DID POSSESS A WEAPON INTENDED TO BE USED TO INJURE ANOTHER PERSON, NAMELY, 9 INCH BLADE WITH HANDLE. FURTHERMORE, DID POSSESS CONTRABAND, NAMELY, A GREEN LEAFY SUBSTANCE SUSPECTED TO BE K2, WHICH IS AN ITEM THAT IS NOT ALLOWED OR ASSIGNED TO AN OFFENDER, AND NOT BOUGHT BY THE OFFENDER FOR HIS USE FROM THE COMMISSARY.

CHARGING OFFICER: HART, J.

SHIFT/CARD: 2 1

OFFENDER NOTIFICATION IF APPLICABLE INTERPRETER,
 TIME/DATE NOTIFIED: 6-12-14 BY: (PRINT) [Signature]

YOU WILL APPEAR BEFORE HEARING OFFICER 24 HOURS OR MORE AFTER RECEIPT OF THIS NOTICE. DO YOU WANT TO ATTEND THE HEARING? YES NO IF NO, HOW DO YOU PLEAD? GUILTY NOT GUILTY

OFFENDER NOTIFICATION SIGNATURE: [Signature] DATE: 6-12-14

BY SIGNING BELOW, YOU GIVE UP YOUR RIGHT TO 24 HOUR NOTICE AND AUTHORIZE THE HEARING OFFICER TO PROCEED WITH THE HEARING.

OFFENDER WAIVER SIGNATURE: DATE:

HEARING INFORMATION

HEARING DATE: 6-17-14 TIME: 0620 UNIT: MI FOLDER: A FILE: 171 DSFILE: 244957

COUNSEL SUBSTITUTE AT HEARING: [Signature] FOLDER: FILE: DSFILE:

EXPLAIN BELOW BY NUMBER: (1) IF COUNSEL SUBSTITUTE WAS NOT PRESENT DURING PART, HEARING; (2) IF ACCUSED OFFENDER WAS CONFINED IN PRE-HEARING DETENTION MORE THAN 72 HOURS PRIOR TO HEARING; (3) IF ACCUSED WAS EXCLUDED FROM ANY PART OF THE EVIDENCE STAGE; (4) IF ANY WITNESSES OR (5) DOCUMENTATION WAS EXCLUDED FROM HEARING (6) IF OFFENDER WAS DENIED CONFRONTATION AND/OR CROSS-EXAMINATION OF A WITNESS AT THE HEARING (7) IF HEARING WAS NOT HELD WITHIN SEVEN DAYS, EXCLUDING WEEK ENDS AND HOLIDAYS, FROM THE OFFENSE DATE AND, (8) IF INTERPRETER USED:

(SIGNATURE) [Signature] For Block [Signature] AS Denied question on 3rd Officer knew if he ever had possession of weapon. Denied question to Sgt. Campbell about location of weapon. already answered.

OFFENDER STATEMENT: I did not know anything about it. He should have admitted it was his.

OFFENSE CODES: 06.0 16.0

OFFENDER PLEA: (G, NG, NONE) | NG | NG |

FINDINGS: (G, NG, DS) | G | DS |

REDUCED TO MINOR (PRIOR TO DOCKET) (DOCKET) (HEARING) BY: (INITIALS)

IF GUILTY, EVIDENCE PRESENTED, CONSIDERED, AND REASON(S) FOR DETERMINATION OF GUILT: A) ADMISSION OF GUILT, B) OFFICER'S REPORT, C) WITNESS TESTIMONY, D) OTHER.

EXPLAIN IN DETAIL: Off. Report

Off. Witness Testimony.

PUNISHMENT

LOSS OF PRIV (DAYS) REPRIMAND..... SOLITARY (DAYS)..... 2

*RECREATION (DAYS) EXTRA DUTY (HOURS)..... REMAIN LINE 3..... 2

*COMMISSARY (DAYS) 45 CONT. VISIT SUSP. THRU / / REDUC. CLASS FROM TO

*PROPERTY (DAYS) CELL RESTR (DAYS)..... 45 GOOD TIME LOST (DAYS).

*OTS (DAYS) SPECIAL CELL RESTR (DAYS). DAMAGES/FORFEIT. \$

SPECIFIC FACTUAL REASON(S) FOR PARTICULAR PUNISHMENT IMPOSED:

Disc. History

CREDIT FOR PRE-HEARING DETENTION TIME? (YES/DAYS) 7 / NA

DATE PLACED IN PRE-HEARING DETENTION: 6-11-14 HEARING LENGTH 15 (MINUTES)

OFFENDER SIGNATURE FOR RECEIPT OF FINAL REPORT: [Signature]

HEARING OFFICER (PRINT) WARDEN REVIEWER SIGNATURE

(FORM I-47MA) CONTACT COUNSEL SUBSTITUTE IF YOU DO NOT UNDERSTAND THIS FORM.

(REV. 04-10) COMUNIQUESE CON SU CONSEJERO SUSTITUTO SI NO ENTIENDE ESTA FORMA



Texas Department of Criminal Justice

STEP 1 OFFENDER GRIEVANCE FORM

OFFICE USE ONLY

Grievance #: 2014166318Date Received: JUN 20 2014Date Due: 7-2014Grievance Code: 410/401Investigator ID #: IOG

Extension Date: _____

Date Retd to Offender: JUL 18 2014Offender Name: KENDALL L. MURPHY TDCJ # 1372192Unit: MICHAEL Housing Assignment: 12-A-50Unit where incident occurred: MICHAEL 12 f 67

You must try to resolve your problem with a staff member before you submit a formal complaint. The only exception is when appealing the results of a disciplinary hearing.

Who did you talk to (name, title)? Captain Holman When? 6-18-14What was their response? Appeal, it's a strong possibility it'll get overturned.

What action was taken? _____

State your grievance in the space provided. Please state who, what, when, where and the disciplinary case number if appropriate.

on 6-11-14 SGT. Camby and C.O. J. Hart conducted a random cell search on 8 Bldg. K-2-31 where Kendall Murphy was housed (top bunk) and offender Franklin #1830538 (bottom bunk) well during this cell search a weapon was found inside the bottom bunk window and also a controlled substance which was found inside of the bottom bunk Franklin's property and both officers can clarify that they found this weapon in the bottom bunk window pane where Franklin was assigned and these officers can also clarify where the drugs was found which was also located in the area and property of offender Franklin who was assigned to the bottom bunk now I'm grieving with prays that I be relieved from this weapons charge although I was not found guilty of the drug substance which was not in my possession I also had absolutely no knowledge or possession of this weapon period in fact this administration moved me early not even two weeks into my 30 day rotation for 65 overflow in May 13th or 14th which I was housed 11 Bldg. Sol 10 cell but for some strange, odd, reason I was assigned to 8-K-31 with offender Franklin who was SPCR, special cell restriction at the time and I had no SPCR restrictions which did not classify me to be housed with this offender at all so I brought this to SGT. Walker's attention and ask to be moved but he told me to give him some time I also spoke with SGT. Killman about the same issue because Franklin was constantly being reckless but these superiors ignored my complaint about this problem and getting

me moved which led to me having to be charged and convicted for a disciplinary offense I played no part in, had nothing to do with, nor had any control or knowledge of ^{at} all because I was placed in the cell with offender franklin who was reckless and failed to admit that the weapon ^(was) found in his window pane (bottom bunk) also the drugs found in his possession, (bottom bunk) nothing was found near my personal space nor my personal belongings period and for the record offender franklin was found ~~guilty~~ guilty and placed in Ad Seg.

Action Requested to resolve your Complaint.

please investigate Folder A File 171 DSFILE 244957, whitfield counsel for accused and convicted Mr. Murphy and please question witnesses J. Hart and Sgt. Camby as well as CPT. Statham to clear me of this weapons charge.

Offender's signature: [Signature] Date: 6-18-14

Disciplinary case #20140293266 was reviewed and no procedural errors were noted. There was sufficient evidence to support the guilty verdict. The punishment imposed was within established guidelines. TDCJ offender orientation handbook defines possession as: Having an item on the body of an offender among his belongings or in his cell no matter who owns them. The weapon was found in the open area of the window seal in your cell. The charge of contraband was dismissed by the hearing officer.

**ASST. WARDEN
DEWBERRY**

JUL 18 2014

Signature Authority:

If you are dissatisfied with the Step 1 response, you may submit a Step 2 (I-127) to the Unit Grievance Investigator within 15 days from the date of the Step 1 response. State the reason for appeal on the Step 2 Form.

Returned because: *Resubmit this form when the corrections are made.

- ☐ 1. Grievable time period has expired.
- ☐ 2. Submission in excess of 1 every 7 days. *
- ☐ 3. Originals not submitted. *
- ☐ 4. Inappropriate/Excessive attachments. *
- ☐ 5. No documented attempt at informal resolution. *
- ☐ 6. No requested relief is stated. *
- ☐ 7. Malicious use of vulgar, indecent, or physically threatening language. *
- ☐ 8. The issue presented is not grievable. *
- ☐ 9. Redundant, Refer to grievance # _____
- ☐ 10. Illegible/Incomprehensible. *
- ☐ 11. Inappropriate. *

UGI Signature: _____

I-127 Back (Revised 9-1-2007)

OFFICE USE ONLY

Initial Submission	UGI Initials: _____
Grievance #: _____	
Screening Criteria Used: _____	
Date Recd from Offender: _____	
Date Returned to Offender: _____	
2nd Submission	UGI Initials: _____
Grievance #: _____	
Screening Criteria Used: _____	
Date Recd from Offender: _____	
Date Returned to Offender: _____	
3rd Submission	UGI Initials: _____
Grievance #: _____	
Screening Criteria Used: _____	
Date Recd from Offender: _____	
Date Returned to Offender: _____	

AUG 13 REC'D



Texas Department of Criminal Justice

STEP 2

OFFENDER
GRIEVANCE FORM

OFFICE USE ONLY

Grievance #: 2014116318

UGI Recd Date: 7-22-14

HQ Recd Date: JUL 25 2014

Date Due: 8/21

Grievance Code: 410-401

Investigator ID#: 1257

Extension Date:

Offender Name: Kendall L. Murphy TDCJ # 1372192

Unit: MICHAEL Housing Assignment: 12-F-67

Unit where incident occurred: MI

You must attach the completed Step 1 Grievance that has been signed by the Warden for your Step 2 appeal to be accepted. You may not appeal to Step 2 with a Step 1 that has been returned unprocessed.

Give reason for appeal (Be Specific). I am dissatisfied with the response at Step 1 because...

First off I was able to obtain official witness statements from SGT. Camby and C.O. J. Hart the officers who conducted the actual cell search and both officers ~~Camby~~ and Hart gave in their statements that the weapon was found in the (bottom bunk) window seal which Franklin 1830538 was assigned to this cell bunk assignment, the weapon was not found in an open area inside the cell and Asst. warden Dewberry ~~gave~~ ^{falseified} information in his response to my step 1 by stating that the weapon was found in an open area and once again I Kendall Murphy was assigned to the (top bunk) and nowhere in my personal space nor ~~my~~ ^(property) was this weapon found. Drugs were also found in Franklin's property at the (bottom bunk) which again both officers gave statements as to finding the drugs in Franklin's property but I was not found guilty of the drugs. Now ~~I~~ with this weapon, Knife being found in the (bottom bunk) window seal that gives Franklin full ~~possession~~ ^{possession} of this weapon because it was found in his assigned area the drugs was also found in his property which give him full possession of the drugs, so why wasn't I charged and convicted for the drugs but for the weapon? when both the weapon and drugs were in the possession and the property of offender Franklin who I later found out that Franklin's disciplinary report and hearing shows he plead guilty and was found guilty of both offenses but still yet I'm being illegally confined and restrained from my liberty and may I add for the record not once have I ever been in possession nor been convicted of weapons nor drugs my whole

0331 8 1 JUA

time in TDCJ. And in population G5 the cells hold two separate window seals the bottom bunk has it's own separate window seal and the top bunk has his own window seal and I Kendell Murphy was assigned to 8-K-31 (TOP BUNK) at the time of this whole ordeal

Offender Signature: Kendell P. Murphy

Date: 7-22-14

Grievance Response:

Disciplinary Case #20140293266 has been reviewed. The disciplinary charge was appropriate for the offense and the guilty verdict was supported by a preponderance of the evidence. All due process requirements were satisfied and the punishment assessed by the Disciplinary Hearing Officer was within agency guidelines. No further action warranted by this office.

Signature Authority: B. PARKER

Date: JUL 28 2014

Returned because: **Resubmit this form when corrections are made.*

- ☐ 1. Grievable time period has expired.
- ☐ 2. Illegible/Incomprehensible.*
- ☐ 3. Originals not submitted. *
- ☐ 4. Inappropriate/Excessive attachments.*
- ☐ 5. Malicious use of vulgar, indecent, or physically threatening language.
- ☐ 6. Inappropriate.*

CGO Staff Signature: _____

OFFICE USE ONLY

Initial Submission CGO Initials: _____

Date UGI Recd: _____

Date CGO Recd: _____

(check one) ☐ Screened ☐ Improperly Submitted

Comments: _____

Date Returned to Offender: _____

2nd Submission CGO Initials: _____

Date UGI Recd: _____

Date CGO Recd: _____

(check one) ☐ Screened ☐ Improperly Submitted

Comments: _____

Date Returned to Offender: _____

3rd Submission CGO Initials: _____

Date UGI Recd: _____

Date CGO Recd: _____

(check one) ☐ Screened ☐ Improperly Submitted

Comments: _____

Date Returned to Offender: _____

#1372132

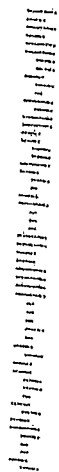
KENDALL L. MURPHY

MICHAEL UNIT

2664 FM 2054

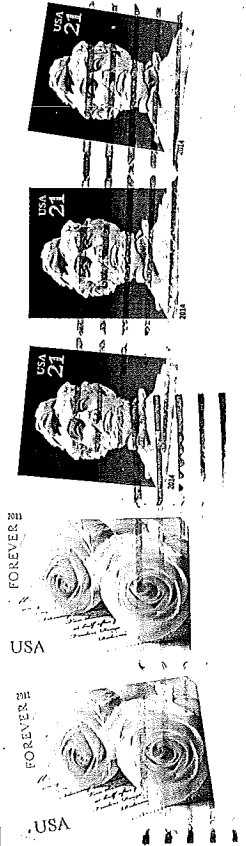
ENN. COLONY

75886



LEGAL

MAIL



ACCEPTED AT "MARK W. MICHAEL UNIT"
2664 FM 2054 ENN-COLONY TX 75886

UNITED STATES DISTRICT COURT
EASTERN DISTRICT, TEXAS
211 W. FERGUSON ST.
TYLER, TEXAS 75702